

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MARVIN RHODES,

Petitioner,

-v-

Case No. 06-MISC-057

JODINE DEPPISH,

Respondent.

DECISION AND ORDER

Marvin Rhodes filed a “Motion to Stay Habeas Corpus Petition Pending Conclusion of State Court Postconviction Proceedings.” However, Rhodes has not filed a petition for habeas corpus in federal court. This Court cannot stay a proceeding that does not exist, so Rhodes’s motion must be denied.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT**

Rhodes’s “Motion to Stay Habeas Corpus Petition Pending Conclusion of State Court Postconviction Proceedings” (Docket No. 1) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 20th day of September, 2006.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge